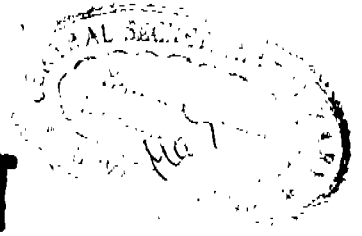




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असाधारण

EXTRAORDINARY

भाग II—खण्ड 2

PART II—Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 17th August, 1995:—

BILL NO. LV OF 1995

A Bill further to amend the Constitution of India in its application to the State of Assam.

Be it enacted by Parliament in the Forty-sixth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Sixth Schedule to the Constitution (Amendment) Act, 1995.

Application of
Sixth Schedule
to the State of
Assam.

2. The Sixth Schedule to the Constitution shall, in its application to the State of Assam, have effect subject to the following modifications, namely:—

(1) in paragraph 2, in sub-paragraph (3), the following proviso shall be inserted, namely:—

“Provided that the District Council constituted for the North Cachar Hills District shall be called as the North Cachar Hills Autonomous Council and the District Council constituted for the Karbi Anglong District shall be called as the Karbi Anglong Autonomous Council.”;

(2) in paragraph 3, for sub-paragraph (3), the following sub-paragraph shall be substituted, namely:—

“(3) Save as otherwise provided in sub-paragraph (2) of paragraph 3A, all laws made under this paragraph of sub-paragraph (1) of paragraph 3A shall be submitted forthwith to the Governor and, until assented to by him, shall have no effect.”;

(3) after paragraph 3, the following paragraph shall be inserted, namely:—

“3A. Additional powers of the North Cachar Hills Autonomous Council and the Karbi Anglong Autonomous Council to make laws:—(1) Without prejudice to the provisions of paragraph 3, the North Cachar Hills Autonomous Council and the Karbi Anglong Autonomous Council within their respective districts, shall have power to make laws with respect to—

(a) industries, subject to the provisions of entries 7 and 52 of List I of the Seventh Schedule;

(b) communications, that is to say, roads, bridges, ferries and other means of communication not specified in List I of the Seventh Schedule; municipal tramways, ropeways, inland waterways and traffic thereon subject to the provisions of List I and List III of the Seventh Schedule with regard to such waterways; vehicles other than mechanically propelled vehicles;

(c) preservation, protection and improvement of stock and prevention of animal diseases; veterinary training and practice; cattle pounds;

(d) primary and secondary education;

(e) agriculture, including agricultural education and research, protection against pests and prevention of plant diseases;

(f) fisheries;

(g) water, that is to say, water supplies, irrigation and canals, drainage and embankments, water storage and water power subject to the provisions of entry 56 of List I of the Seventh Schedule;

(h) social security and social insurance; employment and unemployment;

(i) flood control schemes for protection of villages, paddy fields, markets, towns, etc. (not of technical nature);

(j) theatre and dramatic performances, cinemas subject to the provisions of entry 60 of List I of the Seventh Schedule, sports entertainments and amusements;

(k) public health and sanitation, hospitals and dispensaries;

(l) minor irrigation;

(m) trade and commerce in, and the production supply and distribution of, food stuffs, cattle fodder, raw cotton and raw jute;

(n) libraries, museums and other similar institutions controlled or financed by the State; ancient and historical monuments and records other than those declared by or under any law made by Parliament to be of national importance; and

(o) alienation of land.

(2) All laws made by the North Cachar Hills Autonomous Council and the Karbi Anglong Autonomous Council under paragraph 3 or under this paragraph shall, in so far as they relate to matters specified in List III of the Seventh Schedule, be submitted forthwith to the Governor who shall reserve the same for the consideration of the president.

(3) When a law is reserved for the consideration of the President, the President shall declare either that he assents to the said law or that withholds assent therefrom;

Provided that the President may direct the Governor to return the law to the North Cachar Hills Autonomous Council or the Karbi Anglong Autonomous Council, as the case may be, together with a message requesting that the said Council will reconsider the law or any specified provisions thereof and, in particular, will, consider the desirability of introducing any such amendments as he may recommend in his message and, when the law is so returned, the said Council shall consider the law accordingly within a period of six months from the date of receipt of such message and, if the law is again passed by the said Council with or without amendment it shall be presented again to the President for his consideration.”;

(4) in paragraph 12, in sub-paragraph (1), for the words and figure “matters specified in paragraph 3 of this Schedule”, the words, figures and letter “matters specified in paragraph 3 or paragraph 3A of this Schedule” shall be substituted;

(5) in paragraph 14, in sub-paragraph (2), the words “with the recommendations of the Governor with respect thereto” shall be omitted;

(6) after paragraph 20B, the following paragraph shall be inserted, namely:—

“20BA. Exercise of discretionary powers by the Governor in the discharge of his functions.—The Governor in the discharge of his functions under sub-paragraphs (2) and (3) of paragraph 1, sub-paragraphs, (1), (6), of sub-paragraphs, (6A) excluding the first proviso and sub-paragraph (7) of paragraph 2, sub-paragraph (3) of paragraph 3, sub-paragraph (4) of paragraph 4, paragraph 5, sub-paragraph (1) of paragraph 6, sub-paragraph (2) of paragraph 7, sub-paragraph (4) of paragraph 8, sub-paragraph (3) of paragraph 9, sub-paragraph (3) of paragraph 10, sub-paragraph (1) of paragraph 14, sub-paragraph (1) of paragraph 15 and sub-paragraphs (1) and (2) of paragraph 16 of this Schedule, shall, after consulting the Council of Ministers and the North Cachar Hills Autonomous Council or the Karbi Anglong Autonomous Council, as the case may be, take such action as he considers necessary in his discretion.”.

STATEMENT OF OBJECTS AND REASONS

The provisions of the Sixth Schedule to the Constitution have evolved a separate scheme for the administration of the tribal areas in Assam, Meghalaya, Mizoram and Tripura through the institution of District Councils or Regional Councils. These Councils are vested with legislative authority on specified subjects, allotted sources of taxation and given powers to set up and administer their system of justice and maintain administrative and welfare services in respect of land, revenue, forests, education, public health, etc.

2. Over a period of time, the minority tribals of Karbi-Anglong and North Cachar Hills District of Assam covered under the Sixth Schedule, have come to feel that their autonomy under the Sixth Schedule will be more meaningful and they can achieve speedier progress if there is less overall control of the State Government over them. In order to meet the aspirations of the tribal people of these two Districts, a Memorandum of Understanding was signed between the Government of Assam and some representative bodies of the two Districts on 1st April, 1995.

3. In pursuance of the Memorandum of Understanding and to meet the aspirations of the minority tribals in Assam, certain additional subjects are being entrusted to the Autonomous Councils in Assam and it is also proposed to make it mandatory for the Governor to consult the Autonomous Councils of Karbi-Anglong or North Cachar Hills, as the case may be, in the exercise of his discretionary powers.

4. The Bill seeks to achieve the aforesaid objects.

S. B. CHAVAN.

V. S. RAMA DEVI,
Secretary-General.